

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JERMAINE MITCHELL,)	
)	
Petitioner,)	
)	
v.)	Case No. 2:10-cv-02040-CLS-JEO
)	
FREDDIE BUTLER)	
and THE ATTORNEY GENERAL)	
OF THE STATE OF ALABAMA,)	
)	
Respondents.)	

MEMORANDUM OPINION

This case is before the court on the petition for a writ of habeas corpus filed by Jermaine Mitchell. (Doc. no. 1). After preliminary review, the magistrate judge assigned this case determined that it was due to be dismissed with prejudice. (Doc. no. 10). The petitioner has filed objections to the magistrate judge's determination. (Doc. no. 11).

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and the objections of the petitioner has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accordance with the recommendation, this petition for

writ of habeas corpus is due to be dismissed with prejudice. An appropriate order will be entered.

DONE this 23rd day of February, 2010.



United States District Judge